

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**IN RE:
JASON FAUSS**

Debtor

) **CASE NO: 20-41032-659**
) **Chapter 13**
)
) **Trustee's Objection to Confirmation**
) **Original Confirmation Hearing set for :**
) **April 30, 2020 11:00 am**

TRUSTEE'S OBJECTION TO CONFIRMATION OF 2ND AMENDED PLAN

COMES NOW Diana S. Daugherty, Standing Chapter 13 Trustee, and for her objection to confirmation states as follows:

1. The set monthly payments to be made by the Trustee exceed the plan payment.
2. The plan does not contain enough funds to pay secured and priority creditors in full and pay the amount guaranteed to general unsecured creditors (if any). 11 U.S.C. §§ 1322(a)(2) and 1325(a)(5)(B)(ii). The approximate amount of the shortfall is \$3,480.
3. Debtor's 2nd amended plan states in paragraph 5.1 that the Trustee is to make no payments on debtor's \$141,868.26 mortgage arrearage because debtor intends to pursue a loan modification with the lender. However on April 9, 2021, the mortgage lender filed an objection (Doc. 72) to debtor's 2nd amended plan stating that it has advised debtor he does not qualify for a loan modification, based on his inability to complete the trial loan modification previously attempted. With the mortgage arrearage added into the plan to be paid over 48 months, the plan payment for the arrearage alone increases by \$2,955.59. Further, with the mortgage arrearage in the plan, the plan falls approximately \$145,348 short of feasibility. In addition, the creditor has filed a motion for relief from stay (Doc. 65) on March 16, 2021, alleging that debtor has failed to make post-petition mortgage payments from December 2020 through March 2021.

WHEREFORE the Trustee prays the Court enter its order denying confirmation of the proposed plan.

Dated: April 12, 2021

OBJCONF--KR

/s/ Kathy Reichbach

Kathy Reichbach MO56957

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was filed electronically on April 12, 2021, with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

I certify that a true and correct copy of the foregoing document was filed electronically with the United States Bankruptcy Court, and has been served by Regular United States Mail Service, first class, postage fully pre-paid, addressed to those parties listed on the Court's Manual Notice List and listed below on April 12, 2021.

JASON FAUSS
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/s/ Kathy Reichbach
Kathy Reichbach MO56957